



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

FEB 16 1998

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Refer to
Legislative Secretary

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 373 (COR), "AN ACT TO ADD A NEW §18124.1, AND TO REPEAL §3110, BOTH OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO DRIVING WITH SUSPENDED LICENSES.", which I have signed into law today as **Public Law No. 24-124**.

Thank you to Senator Elizabeth Barrett-Anderson for this legislation designed to help keep people off of the road who drink and are under the influence of substances which make driving unsafe. This legislation clarifies the offense of "driving with suspended license", in an effort to encourage those who drink, drive, and are apprehended to stay off of Guam roads until their condition is resolved. Current law provides that a first offense for driving with a suspended license is a misdemeanor and subsequent offenses are Third Degree felonies.

This legislation clarifies that a suspended driver's license means operator's licenses, chauffeur's licenses, and other driving privileges, which would include learners permits or other types of privileges. The new penalty contained in this legislation calls for a punishment of a misdemeanor or a fine of up to \$1,000, or both. In aggravated cases, the court could order additional suspensions for up to 5 years.

Very truly yours,


Carl T. C. Gutierrez

Attachment 90645

cc: The Honorable Joanne M. S. Brown
Legislative Secretary


OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>Pammy Garcia</u>
Time	<u>2:25 p.m.</u>
Date	<u>2-17-98</u>

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 2-17-98
Time: 10:25
Rec'd by: [Signature]
Print Name: Charlene Duedas

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 373 (COR), "AN ACT TO ADD A NEW §18124.1, AND TO REPEAL §3110, BOTH OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO DRIVING WITH SUSPENDED LICENSES," was on the 4th day of February, 1998, duly and regularly passed.



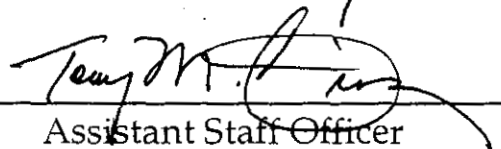
ANTONIO R. UNPINGCO
Speaker

Attested:




JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 6th day of February, 1998, at
9:15 o'clock A.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 2-16-98

Public Law No. 24-124



TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 373 (COR)

As substituted by the Author and as amended on the Floor.

Introduced by:

E. Barrett-Anderson
T. C. Ada
L. Leon Guerrero
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

AN ACT TO ADD A NEW §18124.1, AND TO REPEAL §3110, BOTH OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO DRIVING WITH SUSPENDED LICENSES.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** A new §18124.1 is hereby added to Article 1, Chapter 18 of

1 Title 16 of the Guam Code Annotated to read as follows:

2 **“Section 18124.1. Driving While License Suspended.** (a) No
3 person shall drive a motor vehicle on a highway in Guam while
4 knowing or having reason to know that his or her driver’s license is
5 suspended.

6 (b) As used in this Section, *‘suspended driver’s license’* means an
7 operator’s license, chauffeur’s license, or driving privilege that has been
8 suspended or revoked by judicial or administrative action, or seized by a
9 police officer pursuant to law.

10 (c) In any prosecution for driving while license suspended,
11 competent evidence that defendant’s license was surrendered to a police
12 officer, or was suspended or revoked by order of a judge in open court,
13 or that written notice of the suspension was mailed to defendant’s last
14 known address by the Department of Revenue and Taxation shall be
15 prima facie evidence of defendant’s knowledge of the suspension or
16 revocation.

17 (d) Driving while license suspended is a misdemeanor,
18 punishable by imprisonment for not more than one (1) year, or by a fine
19 of not more than One Thousand Dollars (\$1,000.00), or both. In addition
20 to any other penalty imposed upon a conviction, the sentencing court
21 may order the defendant’s driver’s license to be suspended for an
22 additional consecutive period of up to five (5) years.”

23 **Section 2.** Section 3110 of Article 1, Chapter 3 of Title 16 of the Guam
24 Code Annotated is hereby repealed.



PL 24-124

Committee on Judiciary, Public Safety and Consumer Protection

Twenty-Fourth Guam Legislature

2371237

08 11 08 01 00:00

Senator
Elizabeth Barrett-Anderson
Chairperson

November 4, 1997

Senator
John C. Salas
Vice-Chairman

SPEAKER ANTONIO R. UNPINGCO
Twenty-Fourth Guam Legislature
155 Hesler St.
Agana, Guam 96910

Senator
Anthony C. Blaz
Member

Dear Mr. Speaker:

Senator
Joanne M.S. Brown
Member

The Committee on Judiciary, Public Safety and Consumer Protection, to which was referred **Bill No. 373**, wishes to report back to the Legislature with its recommendation **TO DO PASS AS SUBSTITUTED BY THE AUTHOR.**

Senator
Mark Forbes
Member

The voting record is as follows:

Senator
Edwardo J. Cruz, M.D.
Member

8

TO PASS

Senator
Vicente C. Pangelinan
Member

1

NOT TO PASS

1

ABSTAIN

Senator
Frank Blas Aguon, Jr.
Member

1

TO PLACE IN INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached

Your attention to this matter is greatly appreciated.

Sincerely,

E. Barrett-Anderson
ELIZABETH BARRETT-ANDERSON
Chairperson

Attachments

COMMITTEE ON JUDICIARY, PUBLIC SAFETY AND CONSUMER PROTECTION

TWENTY-FOURTH GUAM LEGISLATURE

173 ASPINALL AVENUE, ADA PLAZA CENTER SUITE 108A, AGANA, GUAM 96910

SENATOR ELIZABETH BARRETT-ANDERSON
Chairperson



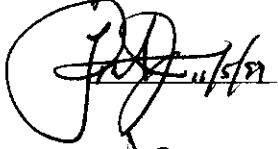


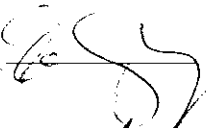

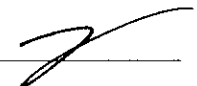
SENATOR JOHN C. SALAS
Vice-Chairperson

SPEAKER ANTONIO R. UNPINGCO
Ex-Officio Member

VOTING SHEET

BILL No. 373 As Substituted by the Author:

An act to add a new 16 GCA §18124.1, and to repeal 16 GCA §3110,
relative to driving while suspended.

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT PASS</u>	<u>ABSTAIN</u>
1). Sen. Elizabeth Barrett-Anderson Chairperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2). Sen. John C. Salas Vice-Chairperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3). Sen. Frank B. Aguon, Jr. Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4). Sen. Anthony C. Blaz Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5). Sen. Joanne M.S. Brown Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6). Sen. Edwardo J. Cruz M.D. Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7). Sen. Mark Forbes Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8). Sen. Vicente C. Pangelinan Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9). Speaker Antonio Unpingco Ex-Officio Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Committee on Judiciary, Public Safety and Consumer Protection
ELIZABETH BARRETT-ANDERSON, CHAIRPERSON**

**Committee Report
on**

**Bill No. 373: AN ACT TO ADD A NEW 16 GCA §18124.1,
AND TO REPEAL 16 GCA §3110, RELATIVE
TO DRIVING WHILE SUSPENDED.**

I. SUMMARY

The Committee on Judiciary, Public Safety and Consumer Protection held a public hearing on Bill No. 373 (substitute by the author) at the Legislative Public Hearing Room at 2:00 PM, Tuesday, October 21, 1997. Public Notice was published in the October 14 and October 21, 1997 editions of the Pacific Daily News.

Committee Members Present:

Senator Elizabeth Barrett-Anderson, Chairperson
Senator John C. Salas, Vice Chairperson
Senator Vicente C. Pangelinan
Senator Frank B. Aguon, Jr.

Senators Present:

Senator Lawrence F. Kasperbauer

Providing Public Testimony on the Bill:

Captain James M. Marques, Acting Chief of Police, **oral and written (See Attachment)**

Purpose:

The purpose of the bill is to repeal an obscure existing statute and to create new provisions prohibiting the major traffic offense of driving while suspended. The bill also enacts new statutory evidentiary provisions regarding the driver's requisite knowledge of the suspension or revocation of the license in committing the offense. The bill provides for severe additional sanctions on persons who continue to knowingly drive on Guam's highways after their license has been suspended or revoked for the commission of a serious traffic offense or other prior violation of the law.

Relationship to Existing Law:

Most of the bill's provisions are new.

Section 1 adds a new 16 GCA §18124.1 to the *Vehicle Code* Rules of the Road.

Subsection (a) describes the material elements of the offense of Driving While Suspended and specifically requires the culpable mental state of knowledge of the suspension on the part of the driver.

Subsection (b) defines the term, "suspended driver's license".

Subsection (c) provides for *prima facie* evidence of the requisite knowledge if there is competent evidence that the license had been surrendered by the driver, suspended or revoked in open court, or if notice was mailed to the defendant.

Subsection (d) classifies the offense as a misdemeanor, punishable by a maximum of one (1) year's imprisonment or by a One Thousand Dollar (\$1,000) fine, or both. In addition the court may order an additional suspension of the defendant's driver's license up to an additional consecutive five-year period.

Section 2 of the bill repeals the existing statute, 16 GCA §3110.

SUMMARY of TESTIMONY

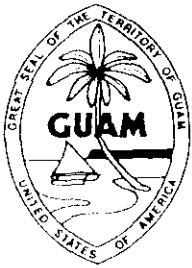
James M. Marques, Acting Chief of Police

Chief Marques testified that he and the management team members of the Guam Police Department concur with and fully endorse Bill No. 373 as drafted.

THERE WAS NO STATED OPPOSITION TO THE BILL.

III. FINDINGS and RECOMMENDATIONS

The Committee on Judiciary, Public Safety and Consumer Protection finds strong support for the passage of Bill No. 373 as substituted by its author, Senator Barrett-Anderson and presents this report to the Twenty-Fourth Guam Legislature with its recommendation **TO DO PASS**.



Guam Police Department



Government of Guam

Bldg. No. 233, Central Avenue, Tiyan, Guam 96913
Tel: (671) 475-8473 (Switchboard) • (671) 475-8509/8512/8514
Fax: (671) 472-4036

**CARL T.C.
GUTIERREZ**
Governor of Guam

OCT 21 1997

Chief of Police

**MADELEINE Z.
BORDALLO**
Lieutenant Governor

The Honorable Senator Elizabeth Barrett-Anderson
Chairperson, Committee on Judiciary, Public Safety
& Consumer Protection
Twenty-Fourth Guam Legislature
Ada Plaza Center
Suite 108A
173 Aspinall Avenue
Agana, Guam 96932

RECEIVED

24th Guam Legislature
Committee on Judiciary, Public
Safety and Consumer Protection

Date: 12/21/97 *[Signature]*

Dear Madame Chairperson:

On behalf of the men and women of the Guam Police Department, I would like to take this opportunity to express my sincerest Si Yuus Maase to you and your committee for your untiring and continuous efforts aimed at improving the quality of life for the people of Guam through meaningful, just and comprehensive legislation.

Copies of Bill Nos. 370, 371, 372, 373, and 374 have been staffed by management team members of the Guam Police Department and with the exception of just some very minor adjustments, it is the consensus of management that we are in concurrence with the overall context of the bills and endorse it fully, as to form.

The recommended changes are as follows:

AN ACT TO AMEND 16 GCA §§18121 and 18122, RELATING TO POSSESSION OR STORAGE OF MARIJUANA IN A MOTOR VEHICLE

COMMENTS:

Section 1. §§18121

Possession of marijuana is already a misdemeanor. Including it is not necessary.

Section 2. §§18122

Drug Free Guam Para Todos

Need to provide definition of usable quantity - amounts over one ounce are still usable.

AN ACT TO ADD NEW SECTIONS TO 16 GCA, RELATIVE TO ELUDING A POLICE OFFICER

COMMENTS:

Section 1. "§3301.2. Definitions

Visual command could mean hand signals when approaching a vehicle on foot such as when conducting stationary radar enforcement, etc.

Section 3. "§3301.3.

If included, sub-section (m) may allow those persons who are drugged or intoxicated a means of avoiding an otherwise valid charge.


AN ACT TO AMEND 16 GCA §181201(d), RELATIVE TO PROVIDING THE RESULTS OF BLOOD ALCOHOL OR TESTS TO POLICE OR PROSECUTORS

COMMENTS:

1. As a consideration, it may be helpful if the proposed legislation include urine samples.
2. There is no guidance as to when the blood test shall be conducted, at whose request or under what conditions, and whether doctors may refuse. Mandatory blood or urine testing for all victims of accidents would certainly bolster efforts at prosecuting repeat offenders who realize the implications of the tests.

Again on behalf of the Guam Police Department, to you and your fine committee, Dangkulu na Si Yu'us Ma'ase yan agradесimento!

Sincerely,


J.M. MARQUES
Acting

cc: Sen. John C. Salas
Sen. Anthony C. Blaz
Sen. Joanne M.S. Brown
Sen. Mark Forbes
Sen. Edwardo J. Cruz, M.D.
Sen. Vicente C. Pangelinan
Sen. Frank Blas Aguon, Jr.

TWENTY-FIRST JOURTH GUAM LEGISLATURE

Committee on Judiciary, Public Safety and Consumer Protection

SENATOR ELIZABETH BARRETT-ANDERSON, CHAIRPERSON

PUBLIC HEARING

GOVERNMENT OFFICIALS SIGN-IN SHEET

BILL NO. 373

Please Print Name:	AGENCY	Testimony		I am	
		Oral	Written	For	Against
1. JAMES M. MARQUEZ, COP	CoPD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
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